

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

700-0058

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "COMMISSION", Union Pacific Railroad Company, hereinafter referred to as the "COMPANY", the City of Chicago, hereinafter referred to as the "CITY", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through written correspondence from the CITY that inquiry should be made into the matter of improving public safety at the highway underpass ("subway") structure carrying the Company's tracks over Austin Boulevard in the City of Chicago, Cook County, Illinois, designated as crossing AAR/DOT 173 970H, milepost 7.11CNWA; and

WHEREAS, the physical aspects, train movements, vehicular traffic volume, and all other pertinent data relating to the subway structure have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

DOCKETED

- a) the lowering of the pavement under the subway structure at Austin Boulevard, Roosevelt Road to North Avenue, to increase the vertical clearance from the existing 11'2" to a minimum of 14'0" as indicated on Exhibit A, pages 2 and 3.

Section 3 The CITY has prepared a preliminary estimate of cost to accomplish the proposed improvement which it may be required to perform, said estimate is attached as Exhibit B, and shall upon order according to the requirements contained therein prepare detailed drawings, estimates of cost and any required specifications for the proposed improvement for the approval of the COMMISSION and DEPARTMENT.

Section 4 The CITY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be at six (6) month intervals, and for the completion of the proposed improvements should be twenty-four (24) months, from the date of COMMISSION Order subsequent to this agreement.

The CITY shall file a written report with the Director of Processing and Information, Transportation Division of the COMMISSION, within fifteen (15) days of the conclusion of each calendar quarter, stating the progress of billing to the COMMISSION for Grade Crossing Protection Fund reimbursement and percentage of completion of the project; if the project is behind schedule, the CITY must include in the report a brief explanation of the reasons for the delay.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for lowering the pavement under the structure at Austin Boulevard, estimated to be \$1,240,756, should be divided 60% in an amount not to exceed \$744,454, to the Grade Crossing Protection Fund with all remaining cost being borne by the City. (Note: the two line items concerning the removal and replacement of the traffic signals are not eligible for Fund reimbursement and have been removed from the estimate.)
- b) future maintenance costs of the structure and the pavement shall be divided in the same manner as for the existing subway structure and roadway.

Section 6 The CITY is financially able and willing to bear an equitable portion of the

cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7 Special Provisions. In view of the fact that federal funding may be utilized for the structure and roadway improvements, all such work shall be governed by applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991.

Since the roadway improvements will be performed by the CITY and/or its contractor, contractor insurance and railroad liability insurance will be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction" Section 107.

Since the structure will continue to have an under clearance of less than 14'6", the CITY shall install and maintain clearance signs at the structure in accordance with 92 Ill. Adm. Code 1535.606 of the COMMISSION.

All bills for expenditures authorized to be reimbursed from the Grade Crossing protection Fund shall be submitted to the District Office of the Illinois Department of Transportation, 201 West Center Street, Schaumburg, Illinois, 60196-1096. Copies of the bills shall be submitted to the Director of Processing and information, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the COMMISSION no later than twenty four (24) months from the date of COMMISSION Order subsequent to this agreement. The Department shall, at the end of the 24th month from the COMMISSION's Order date, de-obligate all residual funds accountable for this project.

The Company shall within ninety (90) days of the date of COMMISSION's Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the COMMISSION, the name, title, mailing address, phone number and facsimile number of a project manager.

The Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures and percentage of completion of the warning device and circuitry installations; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

Section 8 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 11th day of May, 2000.



Michael E. Stead
Rail Safety Program
Administrator

Attest:

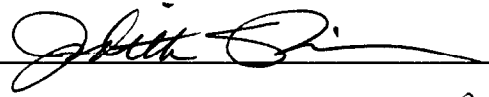


Robert S. Berry
Railroad Safety Specialist

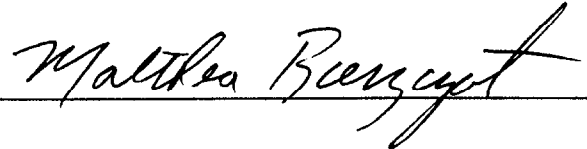
Illinois Commerce Commission Stipulated Agreement No. 922 concerning improvements at the highway underpass structure ("subway") carrying the track of the Union Pacific Railroad Company over a public highway known as Austin Boulevard located in Chicago, Cook County, Illinois, designated as crossing AAR/DOT 173 970H, milepost 7.11 CNWA.

Executed by the City of Chicago this 31st day of May, 2000.

THE CITY OF CHICAGO

By: 
ck

Attest:



Illinois Commerce Commission Stipulated Agreement No. 922 concerning improvements at the highway underpass structure ("subway") carrying the track of the Union Pacific Railroad Company over a public highway known as Austin Boulevard located in Chicago, Cook County, Illinois, designated as crossing AAR/DOT 173 970H, milepost 7.11 CNWA.

Executed by the Company this 31 day of May, 2000.

UNION PACIFIC RAILROAD COMPANY

By: Thomas J. Ogo
CHIEF ENGINEER

Attest:

Kathy Klockner

Illinois Commerce Commission Stipulated Agreement No. 922 concerning improvements at the highway underpass structure ("subway") carrying the track of the Union Pacific Railroad Company over a public highway known as Austin Boulevard located in Chicago, Cook County, Illinois, designated as crossing AAR/DOT 173 970H, milepost 7.11 CNWA.

Executed by the Department this 30TH day of JUNE, 2000.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Shifan
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

EXISTING
HIGHWAY UNDER RAILROAD

GENERAL INFORMATION:

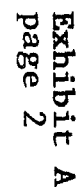
RR/LINE Union Pacific MILEPOST 7.11 CNWA INVENTORY NO. 173 970H
CITY Chicago STREET Austin COUNTY Cook
ROADWAY JURISDICTION City URBAN ☒ RURAL ☐ COMMERCIAL ☒ RESIDENTIAL ☒
APPROACH SURFACE Bituminous WIDTH 42' F-F CONDITION Fair
ADT 19,600 SPEED 30 mph STATEWIDE Yes
SCHOOL BUSES Yes HAZ MAT OTHER
NUMBER AND TYPE OF TRACKS 2 MAIN OTHER

STRUCTURE INFORMATION:

STRUCTURE NO. B-9-382 ANGLE 90° CONDITION Good
PRESENT STRUCTURE TYPE Concrete

NUMBER AND LENGTHS OF SPANS 1 span, 66' 2"
DECK WIDTH ROADWAY WIDTH See above
WALKWAYS WEARING SURFACE Bituminous Concrete
VERTICAL UNDERCLEARANCE 11'2"

COMMENTS: Pavement is to be lowered under the structure to increase the vertical clearance from the existing 11'2" a new vertical clearance of 14'0". CTA/Metra trains also operate on the structure. There are 60 passenger trains and 60 freight trains over the structure per day at a maximum speed of 70 mph.



AUSTIN BOULEVARD IMPROVEMENT PROJECT (ROOSEVELT ROAD TO NORTH AVENUE)

VIADUCT IMPROVEMENT STATION 97+80 TO STATION 102+00

SCHEDULE OF PRICES

C.D.O.T. PROJECT NO. B-9-382

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
1	Special Excavation	Cu. Yd.	3700	\$30.00	\$111,000.00
2	Trench Backfill	Cu. Yd.	40	\$20.00	\$800.00
3	Subbase Granular Material, Type B, 6"	Sq. Yd.	4252	\$6.00	\$25,512.00
4	Bituminous Material (Prime Coat)	Gallon	1026	\$1.50	\$1,539.00
9	Bituminous Concrete Binder Course, (Machine Method), Superpave Mixture	Ton	270.8	\$48.00	\$12,988.80
10	Bituminous Concrete Surface Course, Class I, Superpave Mixture	Ton	378.9	\$52.00	\$19,702.80
11	PCC Base Course 9-inch. (Special)	Sq. Yd.	3765	\$36.25	\$136,481.25
12	PCC Curb & Gutter, Type 3 and/or Modified Curb & Gutter	Lin. Ft.	1025	\$12.50	\$12,812.50
16	Sidewalk Removal	Sq. Ft.	7255	\$1.25	\$9,068.75
17	Sawcutting Pavement	Lin. Ft.	276	\$2.00	\$552.00
19	Portland Cement Concrete Sidewalk, 5-inch (Special)	Sq. Ft.	2780	\$4.00	\$11,120.00
20	Portland Cement Concrete Sidewalk, 8-inch (Special)	Sq. Ft.	677	\$6.50	\$4,400.50

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VIADUCT IMPROVEMENT STATION 97+80 TO STATION 102+00

SCHEDULE OF PRICES

C.D.O.T. PROJECT NO. B-8-382

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
21	Driveway & Alley Pavement Removal & Replacement, 8-inch	Sq. Yd.	38	\$30.00	\$1,140.00
22	Concrete Median	Sq. Ft.	920	\$10.00	\$9,200.00
28	Stabilization Stone	Cu. Yd.	370	\$25.00	\$9,250.00
31	Storm Sewers, Type 2, 8"	Lin. Ft.	82	\$40.00	\$3,280.00
44	Sewer Lining, 18"	Lin. Ft.	282.5	\$180.00	\$50,850.00
46	Pipe Underdrains, 6"	Lin. Ft.	170	\$18.00	\$3,060.00
47	Sanitary Sewer Service Connections	Ea.	1	\$200.00	\$200.00
53	Catch Basins, Type A, 4' Dia. (Including Frames & Lids)	Ea.	6	\$1,800.00	\$10,800.00
54	Catch Basins to be Adjusted	Ea.	10	\$250.00	\$2,500.00
55	Manholes to be Adjusted	Ea.	9	\$300.00	\$2,700.00
58	Valve Boxes to be Adjusted	Ea.	2	\$90.00	\$180.00
61	Catch Basins to be Removed	Ea.	3	\$350.00	\$1,050.00

AUSTIN BOULEVARD IMPROVEMENT PROJECT (ROOSEVELT ROAD TO NORTH AVENUE)

VIADUCT IMPROVEMENT STATION 97+80 TO STATION 102+00

SCHEDULE OF PRICES

C.D.O.T. PROJECT NO. B-9-382

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
63	Meter Vault for 16" Watermain to be Removed	Ea.	1	\$2,500.00	\$2,500.00
64	Meter Vault for 20" Watermain to be Removed	Ea.	1	\$3,500.00	\$3,500.00
70	Watermain, Ductile Iron Pipe, 6 Inch Diameter	Lin. Ft.	29	\$90.00	\$2,610.00
71	Watermain, Ductile Iron Pipe, 8 Inch Diameter	Lin. Ft.	513	\$165.00	\$84,645.00
72	Watermain, Ductile Iron Pipe, 16 Inch Diameter	Lin. Ft.	145	\$205.00	\$29,725.00
73	Watermain, Ductile Iron Pipe, 20 Inch Diameter	Lin. Ft.	282	\$215.00	\$60,630.00
74	6" Diameter Valve	Ea.	2	\$850.00	\$1,700.00
75	8" Diameter Valve	Ea.	3	\$1,000.00	\$3,000.00
76	16" Diameter Valve	Ea.	1	\$4,500.00	\$4,500.00
78	Valve Vaults, 6'	Ea.	6	\$1,850.00	\$11,100.00
79	Meter Vault for 16" Watermain	Ea.	1	\$15,000.00	\$15,000.00
80	Meter Vault for 20" Watermain	Ea.	1	\$15,000.00	\$15,000.00

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VIADUCT IMPROVEMENT STATION 97+80 TO STATION 102+00

SCHEDULE OF PRICES

C.D.O.T. PROJECT NO. B-9-382

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
81	Connection to Existing Watermain System, 8"	Ea.	2	\$1,000.00	\$2,000.00
82	Connection to Existing Watermain System, 16"	Ea.	1	\$4,000.00	\$4,000.00
83	Connection to Existing Watermain System, 20"	Ea.	1	\$4,000.00	\$4,000.00
85	Fire Hydrant to be Moved	Ea.	2	\$800.00	\$1,600.00
86	Watermain, Service Line, 2-Inch	Lin. Ft.	187	\$37.50	\$7,012.50
93	Thermoplastic Pavement Marking - Letters & Symbols	Sq. Ft.	72.8	\$3.00	\$218.40
95	Thermoplastic Pavement Marking - Line 6"	Lin. Ft.	780	\$1.00	\$780.00
97	Thermoplastic Pavement Marking - Line 24"	Lin. Ft.	231	\$2.50	\$577.50
98	Concrete Curb Wall Removal and Replacement	Lin. Ft.	315	\$185.00	\$58,275.00
99	Concrete Removal	Cu. Yd.	6	\$375.00	\$2,250.00
100	Pipe Handrail	Lin. Ft.	350	\$50.00	\$17,500.00
101	Viaduct Paint Removal	Sq. Ft.	13500	\$16.25	\$219,375.00

AUSTIN BOULEVARD IMPROVEMENT PROJECT (ROOSEVELT ROAD TO NORTH AVENUE)

VIADUCT IMPROVEMENT STATION 97+80 TO STATION 102+00

SCHEDULE OF PRICES

C.D.O.T. PROJECT NO. B-8-382

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
102	Viaduct Painting	Sq. Ft.	13500	\$1.50	\$20,250.00
115	Remove Existing Traffic Signal Foundation	Ea.	3	\$750.00	\$2,250.00
116	Reset Existing Traffic Signals	Ea.	3	\$2,500.00	\$7,500.00
	Retaining Wall	Lin. Ft.	372	\$185.00	\$68,820.00
	Watermain Force Account	L.S.	1	\$160,000.00	\$160,000.00
TOTAL VIADUCT BID :					\$1,250,506.00